

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NO. 23-4179
	)	
DARRYL COLTON FRAZER	)	

APPELLEE UNITED STATES OF AMERICA'S RESPONSE TO  
APPELLANT'S MOTION TO EXPEDITE

The United States of America opposes Appellant's motion to expedite. The government is aware of the congestion of the Court's calendar and sees no issues raised by Appellant's brief that would justify prioritizing it above other criminal appeals, many of which were affected by the same pandemic-related issues which delayed Appellant's trial.

Federal Rule of Appellate Procedure 2 establishes the basis for expedited proceedings in appropriate cases, except for actions affecting appellate court jurisdiction. *See* Fed. R. App. P. 2. "The primary purpose of this rule is to make clear the power of the courts of appeals to expedite the determination of cases of pressing concern to the public or to the litigants by prescribing a time schedule other than that provided by the rule." Fed. R. App. P. 2, Advisory Committee Notes.

Although it is true of many appeals that further jail time could be eliminated if the appeal is successful, that circumstance alone does not constitute a pressing concern to the public or litigants justifying application of this rule. Even cases where release is imminent often must await the Court's consideration in the usual course. The government does not dispute Appellant's recitation of this case's procedural history in his motion, but assesses that it does not provide an appropriate basis for expediting consideration. There are no exceptional or pressing circumstances here and, in the government's view, the appeal lacks merit in any event. Accordingly, the government opposes Appellant's motion.

Respectfully submitted,

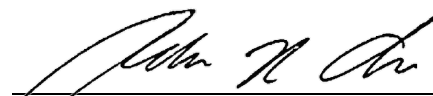
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By:   
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## CERTIFICATE OF SERVICE

This is to certify that, on this 5th day of October 2023, a copy of the foregoing Response to Appellant's Motion to Expedite was filed via CM/ECF, and was thereby served upon:

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